

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

| | | |
|-----------------------|---|--------------------------------------|
| WELLS FARGO BANK, NA, |) | No. 3:12-cv-00231-PA |
| |) | |
| Plaintiff, |) | JUDGMENT FOR FORECLOSURE SALE |
| v. |) | |
| |) | |
| ELLEN M. MCCRACKEN, |) | |
| |) | |
| Defendant. |) | |

PANNER, J.

This matter having been tried by the Court on July 23, 2013 and the Court having issued written Findings of Fact and Conclusions of law on July 30, 2013:

It is hereby ORDERED AND ADJUDGED:

1. That a final judgment is entered in favor of WELLS FARGO BANK NA and against Defendant ELLEN M. McCRACKEN ("McCracken") in the amount of \$158,290.51, consisting of the outstanding Principal of \$128,613.39 with prejudgment interest through July 19, 2013 of \$21,570.12 (accruing thereafter until entry of judgment at \$19.38/per diem) and other expenses and advances made necessary by Defendant's default and permitted under the Loan including accruing interest which continues to

accrue at the per diem rate until entry of judgment, and at the judgment rate thereafter.

2. The plaintiff recover from Defendant McCracken its reasonable attorney fees and costs of suit in this matter as determined under Rules 54(d)(2) and 54(d)(1) of the Federal Rules of Civil Procedure.

3. The Deed of Trust executed and delivered by Defendant McCracken on or about June 23, 2003 and recorded on June 30, 2003 as Recorder's Fee No. 2003-083248 in the official records of Clackamas County, Oregon, is a valid and perfected lien against the real property(hereafter the "Property") which is situated in Clackamas County, Oregon and is commonly known as 14717 SE Linden Lane, Portland, OR 97267 and is legally described as follows:

A portion of Lot 4, Block 41, first subdivision of a portion of Oak Grove, in the County of Clackamas and State of Oregon, described as follows:

Beginning at a point on the Westerly line of Steele Avenue (now known as Linden Lane) of the Plat of the first subdivision of a portion of Oak Grove, in the County of Clackamas and State of Oregon, which point is 151 feet Northerly from the Southeast corner of Lot 4 of Block 41 of said plat and said point being the Northeast corner of the land heretofore conveyed to M. Fimmel as shown by Deed recorded in Book 215 page 638, Deed Records; thence Westerly along the North line of said land deeded to M. Fimmel, 114.6 feet; thence North and at right angles 82.5 feet; thence East 114.6 feet to the West line of said Steele Avenue (Linden Lane); thence South along the West line of said Steele Avenue (Linden Lane) 82.5 feet to the point of beginning.

4. Said lien is superior to any interest, lien, or claim of the Defendant McCracken.

5. Plaintiff is the holder of the original Note dated June 23, 2003 and made by McCracken in the amount of \$145,400.00.

6. The interest of Defendant McCracken and any successor in interest in the subject Property can be foreclosed and terminated by the United States Marshal for the District of Oregon by sale free of all claims, rights, or interest of any and all parties to this action.

7. Upon sale, Defendant McCracken and all persons claiming by, through, or under them are barred from all right, title, interest, and equity of redemption in and to the Property or any part of that property, excepting only any statutory right of redemption as Defendant McCracken may have therein.

8. That any party to this action is allowed to bid at the foreclosure sale; that the purchaser at the foreclosure sale shall be placed in immediate possession of the Property; that if possession thereof is refused the purchaser, that a Writ of Assistance shall issue forthwith out of the court from which the Writ of Execution is issued to place the purchaser in immediate possession; that the United States Marshal or the Sheriff, as the case may be, shall give to the purchaser of the Property a Certificate of Sale, and after the time allowed by law for redemption, unless the Property has been redeemed, a Sheriff's Deed.

9. That the proceeds of the sale shall be applied as follows:

1. In payment of the costs and expenses of the sale;
2. In satisfaction of the judgment awarded herein;

3. The balance, if any, shall be paid to the Clerk of Court to be disbursed in the manner provided for by law, and as otherwise adjudicated in this case;

IT IS SO ORDERED.

DATED this 19 day of November, 2013.



Owen M. Panner
United States District Judge